

House File 2115 - Introduced

HOUSE FILE 2115

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A BILL FOR

1 An Act relating to the carrying of dangerous weapons and
2 providing a penalty and a fee.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.7, Code Supplement 2011, is amended
2 to read as follows:

3 **724.7 Nonprofessional permit to carry weapons.**

4 1. Any person who is not disqualified under section 724.8,
5 who satisfies the training requirements of section 724.9, and
6 who files an application in accordance with section 724.10
7 shall be issued a nonprofessional permit to carry weapons.
8 Such permits shall ~~be on a form~~ have a uniform appearance,
9 size, and content prescribed and published by the commissioner
10 of public safety, which shall be readily distinguishable from
11 the professional permit, and shall identify the holder of
12 the permit, but shall not contain the permit holder's social
13 security number. The permit may be laminated by the issuing
14 officer or permit holder. Such permits shall not be issued for
15 a particular weapon and shall not contain information about a
16 particular weapon including the make, model, or serial number
17 of the weapon or any ammunition used in that weapon. All
18 permits so issued shall be for a period of five years ~~and shall~~
19 ~~be valid throughout the state except where the possession or~~
20 ~~carrying of a firearm is prohibited by state or federal law~~
21 except as provided in subsection 2.

22 2. The commissioner of public safety shall develop a process
23 to allow service members deployed for military service to
24 submit a renewal of a nonprofessional permit to carry weapons
25 early and by mail. In addition, a permit issued to a service
26 member who is deployed for military service, as defined in
27 section 29A.1, subsection 3, 11, or 12, that would otherwise
28 expire during the period of deployment shall remain valid for
29 ninety days after the end of the service member's deployment.

30 3. Notwithstanding section 321G.13, subsection 2, section
31 321I.14, subsection 2, sections 461A.42 and 481A.7, section
32 481A.93, subsection 1, any rules adopted pursuant to chapter
33 173 or 481A, or any ordinance, motion, or resolution passed by
34 a political subdivision of this state, a permit issued under
35 this section or recognized under section 724.11A shall be valid

1 throughout the state. This subsection shall not be construed
2 to authorize the carrying of a weapon where prohibited by
3 federal law or to authorize the taking of a game animal or the
4 discharge of a weapon in violation of any law of this state,
5 except where justified in accordance with the provisions of
6 chapter 704.

7 Sec. 2. Section 724.8, Code 2011, is amended by striking the
8 section and inserting in lieu thereof the following:

9 **724.8 Persons ineligible for permit to carry weapons.**

10 A professional or nonprofessional permit to carry weapons
11 shall not be issued to a person who is subject to any of the
12 following:

13 1. Is less than eighteen years of age for a professional
14 permit or less than twenty-one years of age for a
15 nonprofessional permit.

16 2. Is prohibited by section 724.26 or federal law from
17 possessing, shipping, transporting, or receiving a firearm.

18 3. Is prohibited by court order from possessing, shipping,
19 transporting, or receiving a firearm.

20 Sec. 3. Section 724.9, subsection 1, Code 2011, is amended
21 by adding the following new paragraphs:

22 NEW PARAGRAPH. f. Holding or having previously held a
23 license or permit to carry a firearm in any state or a locality
24 thereof, unless such license or permit has been suspended or
25 revoked for cause.

26 NEW PARAGRAPH. g. Completion of a hunter education or
27 hunter safety course approved by the department of natural
28 resources or a similar agency of another state.

29 NEW PARAGRAPH. h. Completion of any firearms training or
30 safety course or class, including an electronic, video, or
31 internet course, conducted by a state certified or national
32 rifle association certified firearms instructor.

33 Sec. 4. Section 724.9, subsection 2, Code 2011, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. d. A currently valid or expired license or

1 permit to carry a firearm, issued by any state or a locality
2 thereof, except one that has been suspended or revoked for
3 cause.

4 Sec. 5. Section 724.10, subsections 1 and 2, Code 2011, are
5 amended to read as follows:

6 1. A person shall not be issued a permit to carry weapons
7 unless the person has completed and signed an application on
8 a form to be prescribed and published by the commissioner of
9 public safety.

10 a. The If an applicant is a United States citizen, the
11 application shall require only the full name, driver's license
12 or nonoperator's identification card number, residence, place
13 of birth, and date of birth of the applicant.

14 b. If the applicant is not a United States citizen, the
15 application shall, in addition to the information specified in
16 paragraph "a", require the applicant's country of citizenship,
17 any alien or admission number issued by the United States
18 immigration and customs enforcement, and, if applicable, the
19 basis for any exception claimed pursuant to 18 U.S.C. § 922(y).

20 c. and shall state An applicant shall be required to state
21 whether the applicant meets the criteria specified in sections
22 724.8 and 724.9. An applicant may provide the applicant's
23 social security number if the applicant so chooses. The
24 applicant shall also display an identification card that bears
25 a distinguishing number assigned to the cardholder, the full
26 name, date of birth, sex, residence address, and a brief
27 description and colored photograph of the cardholder.

28 2. The issuing officer, upon receipt of an initial or
29 renewal application under this section, shall immediately
30 conduct a background check concerning each applicant by
31 obtaining criminal history data from the department of public
32 safety which shall include an inquiry of the national instant
33 criminal background system maintained by the federal bureau
34 of investigation or any successor agency and an immigration
35 alien query through a database maintained by the United States

1 immigration and customs enforcement or any successor agency if
2 the applicant is not a United States citizen.

3 Sec. 6. Section 724.11, Code 2011, is amended to read as
4 follows:

5 **724.11 Issuance of permit to carry weapons.**

6 1. Applications for permits to carry weapons shall be made
7 to the sheriff of the county in which the applicant resides.
8 Applications for professional permits to carry weapons for
9 persons who are nonresidents of the state, or whose need to go
10 armed arises out of employment by the state, shall be made to
11 the commissioner of public safety. In either case, the sheriff
12 or commissioner, before issuing the permit, shall determine
13 that the applicable requirements of sections 724.6 to 724.10
14 have been satisfied, except that the training requirements of
15 section 724.9 shall not apply to a renewal application for a
16 nonprofessional permit to carry weapons. However, for renewal
17 of a permit the training program requirements in section 724.9,
18 subsection 1, shall apply or the renewal applicant may choose
19 to qualify on a firing range under the supervision of an
20 instructor certified by the national rifle association or the
21 department of public safety or another state's department of
22 public safety, state police department, or similar certifying
23 body. Such training or qualification must occur within the
24 twelve-month period prior to the expiration of the applicant's
25 current permit.

26 2. Neither the sheriff nor the commissioner shall
27 require an applicant for a permit to carry weapons to provide
28 information identifying a particular weapon in the application
29 including the make, model, or serial number of the weapon or
30 any ammunition used in that particular weapon, or otherwise
31 impose additional conditions, limitations, or requirements not
32 expressly provided for in this chapter on the application for
33 or issuance, scope, effect, or content of a nonprofessional
34 permit to carry weapons.

35 3. a. The issuing officer shall collect a fee of

1 fifty dollars, ~~except from a duly appointed peace officer~~
2 ~~or correctional officer~~, for each nonprofessional permit
3 issued. ~~Renewal permits or duplicate~~ Nonprofessional renewal
4 permits shall be issued for a fee of twenty-five dollars and
5 nonprofessional duplicate permits shall be issued for a fee of
6 ten dollars, provided the application for each such ~~renewal~~
7 permit is received by the issuing officer ~~at least thirty days~~
8 prior to the expiration of the applicant's current permit.

9 b. The issuing officer shall collect a fee of ten dollars
10 for the issuance, renewal, or duplication of a professional
11 permit.

12 c. The issuing officer shall notify the commissioner of
13 public safety of the issuance of any permit at least monthly
14 and forward to the commissioner an amount equal to ten dollars
15 for each permit issued and five dollars for each renewal
16 or duplicate permit issued. All such fees received by the
17 commissioner shall be paid to the treasurer of state and
18 deposited in the operating account of the department of public
19 safety to offset the cost of administering this chapter.
20 Notwithstanding section 8.33, any unspent balance as of June 30
21 of each year shall not revert to the general fund of the state,
22 but shall be maintained in a separate fund for the sole purpose
23 of administering this chapter.

24 4. The sheriff or commissioner of public safety shall
25 approve or deny an initial or renewal application submitted
26 under this section within ~~thirty~~ seven days of receipt of the
27 application. A person whose application for a permit under
28 this chapter is denied may seek review of the denial under
29 section 724.21A. ~~The failure to approve or deny an initial~~
30 ~~or renewal application shall result in a decision of approval~~
31 If the issuing officer has not received any disqualifying
32 information within the requisite seven-day period, the issuing
33 officer shall approve the application. An issuing officer who
34 refuses to accept or act upon an application filed under this
35 chapter shall be subject to removal from office pursuant to

1 section 66.1A.

2 Sec. 7. Section 724.11A, Code 2011, is amended to read as
3 follows:

4 **724.11A Recognition and reciprocity.**

5 1. A valid permit or license issued by another state to
6 any nonresident of this state shall be considered to be a
7 valid permit or license to carry weapons issued pursuant to
8 this chapter, except that such permit or license shall not be
9 considered to be a substitute for an annual permit to acquire
10 pistols or revolvers issued pursuant to section 724.15.

11 2. At least annually, the department of public safety shall
12 seek a reciprocal recognition agreement with any state that
13 does not recognize a nonprofessional permit to carry weapons
14 issued in this state. The department of public safety shall
15 have the authority to enter into such agreements.

16 Sec. 8. Section 724.21A, subsection 5, Code 2011, is amended
17 to read as follows:

18 5. The standard of review under this section shall be
19 ~~clear and convincing evidence~~ that the issuing officer's
20 written statement of the reasons for the denial, suspension, or
21 revocation constituted ~~probable cause to deny an application~~
22 ~~or to suspend or revoke a permit~~ clear and convincing evidence
23 that, as of the date of the adverse decision, the applicant or
24 permittee was ineligible for a permit to carry weapons under
25 the applicable standards set forth in this chapter, subject
26 to prosecution or any other proceeding that could result in
27 the applicant or permittee becoming ineligible for a permit
28 to carry weapons, or provided materially false information or
29 documentation in conjunction with the permit application.

30 Sec. 9. Section 724.23, Code 2011, is amended to read as
31 follows:

32 **724.23 Records kept by commissioner.**

33 1. The commissioner of public safety shall maintain a
34 permanent record of all valid permits to carry weapons and of
35 current permit revocations.

2. *a.* Notwithstanding any other law or rule to the contrary, an issuing officer shall keep confidential information that would personally identify applicants for or holders of nonprofessional permits to carry weapons, including but not limited to the name, social security number, date of birth, driver's license or other identification number, and residential or business address of the applicant or permit holder.

9 b. This subsection shall not prohibit the release of any of
10 the following:

(1) Numerical statistics pertaining to the issuance,
denial, revocation, or administration of applicants for or
holders of nonprofessional permits, provided that the release
of such information does not reveal the identity of any
individual permit holder.

16 (2) The release of information to any law enforcement
17 agency, or an employee or agent thereof, when necessary for an
18 investigation of a possible violation of law or for conducting
19 a lawfully authorized background investigation.

20 Sec. 10. Section 724.25, subsection 1, Code 2011, is amended
21 to read as follows:

1. As used in section 724.26, the word "*felony*" means any offense punishable in the jurisdiction where it occurred by imprisonment for a term exceeding one year, but does not include any offense, ~~other than an offense involving a firearm or explosive,~~ classified as a misdemeanor under the laws of the state and punishable by a term of imprisonment of two years or less.

29	EXPLANATION
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30 This bill relates to the carrying of dangerous weapons and
31 provides a penalty and a fee.

32 I. PERMIT TO CARRY WEAPONS.

33 A. VALIDITY. The bill provides that nonprofessional
34 permits to carry weapons shall have a uniform appearance, size,
35 and content, but shall not contain the permit holder's social

1 security number. Such permits may be laminated by either the
2 issuing officer or the permit holder.

3 Current law provides that nonprofessional permits to carry
4 weapons are valid throughout the state. The bill provides
5 for such permits' validity throughout the state and overrides
6 contrary provisions in the Code relating to the operation
7 of a snowmobile or an all-terrain vehicle with a firearm,
8 certain hunting provisions relating to wildlife conservation,
9 the use of firearms, explosives, and weapons in state parks
10 and preserves, rules adopted by the state fair board and the
11 department of natural resources, or any ordinance, motion, or
12 resolution passed by a political subdivision of this state.
13 The bill specifies that Code provisions relating to the
14 validity of nonprofessional permits to carry weapons throughout
15 the state, as well as out-of-state permits to carry weapons
16 recognized under Iowa's permit recognition statute, shall not
17 be construed to authorize the carrying of weapons prohibited
18 under federal law or to authorize the taking of game animals
19 or the discharge of weapons except where justified under Code
20 chapter 704 (use of reasonable or deadly force).

21 B. ISSUANCE — DISQUALIFIERS. Current law prohibits
22 certain persons from obtaining either a professional or
23 nonprofessional permit to carry weapons including a person who
24 is addicted to alcohol, a person who is likely to use a weapon
25 unlawfully in such a manner as would endanger the person's
26 self or others, and a person who has, within the previous
27 three years, been convicted of certain assaults not involving
28 the use of a firearm or explosive. The bill eliminates such
29 disqualifiers, maintains the age restrictions, and further
30 specifies that a person who is prohibited by Code section
31 724.26 (felon in possession of a firearm), federal law, or who
32 is the subject of a court order from possessing, shipping,
33 transporting, or receiving a firearm, is ineligible for a
34 permit to carry weapons.

35 C. FIREARMS TRAINING. The bill expands current law relating

1 to firearm training qualification requirements for a person
2 who applies for a permit to carry weapons to include a current
3 or previously held license or permit to carry a firearm in
4 any state or locality, completion of any firearms training or
5 safety course or class, including an electronic, video, or
6 internet course, conducted by a state certified or national
7 rifle association certified firearms instructor, or completion
8 of a hunter education or hunter safety course approved by the
9 department of natural resources or a similar agency of another
10 state. The bill also includes a current or expired license or
11 permit to carry firearms, issued by any state or a locality, as
12 acceptable evidence of firearms training. The bill provides
13 that the firearm training requirements shall not apply to a
14 renewal application for a nonprofessional permit to carry
15 weapons.

16 D. APPLICANT INFORMATION — ALIENS. The bill provides that
17 a sheriff shall not require an applicant for a nonprofessional
18 permit to carry weapons who is a United States citizen to
19 provide any information, documentation, or evidence of identity
20 beyond what is required under current law. An applicant who is
21 not a United States citizen shall be subject to an immigration
22 alien query through a database maintained by the United States
23 immigration and customs enforcement and shall also provide
24 additional information as well as the basis for any exception
25 claimed under the provisions of 18 U.S.C. § 922(y).

26 E. ISSUANCE FEES. The bill specifies that the current
27 \$50 issuance fee for permits to carry weapons applies to
28 nonprofessional permits and that the current \$25 issuance
29 fee for renewal permits to carry weapons also applies to
30 nonprofessional permits. Nonprofessional duplicate permits
31 shall be issued for a \$10 fee. The bill provides that the fee
32 for the issuance, renewal, or duplication of a professional
33 permit to carry weapons shall be \$10. The bill provides that
34 any unspent balance as of June 30 of each year shall not revert
35 to the general fund of the state, but shall be maintained in a

1 separate fund to be used for the administration of Code chapter
2 724.

3 F. PERMIT ISSUANCE — APPROVAL-DENIAL. The bill amends
4 current law requiring the issuing officer to approve or
5 deny an initial or renewal application for a permit to carry
6 weapons from within 30 days of receipt of an application to
7 require approval or denial within seven days of receipt of an
8 application, and to require the issuing officer to approve the
9 application in the absence of any disqualifying information
10 received within the requisite seven-day period. An issuing
11 officer who refuses to accept or act upon an application shall
12 be subject to removal from office pursuant to Code chapter 66.

13 G. RECOGNITION AND RECIPROCITY. The bill provides that
14 at least annually, the department of public safety shall seek
15 a reciprocal recognition agreement with any state that does
16 not recognize a nonprofessional permit to carry weapons issued
17 in this state. The bill authorizes the department of public
18 safety to enter into such agreements.

19 H. CONFIDENTIAL INFORMATION. The bill provides that
20 an issuing officer shall keep confidential information
21 that would personally identify applicants for or holders
22 of nonprofessional permits to carry weapons, including but
23 not limited to the applicant's or permit holder's name,
24 social security number, date of birth, driver's license or
25 other identification number, and residential or business
26 address. The bill does not prohibit the release of numerical
27 statistics pertaining to the issuance, denial, revocation, or
28 administration of applicants for or holders of nonprofessional
29 permits, provided that the release of such information does
30 not reveal the identity of any individual permit holder, nor
31 does the bill prohibit the release of information to any
32 law enforcement agency, or an employee or agent thereof,
33 when necessary for an investigation of a possible violation
34 of law or for conducting a lawfully authorized background
35 investigation.

1 II. DENIAL, SUSPENSION, REVOCATION — PERMIT TO CARRY —
2 PERMIT TO ACQUIRE. The bill provides that, in a case where
3 an issuing officer denies, suspends, or revokes a permit to
4 carry weapons or a permit to acquire pistols or revolvers, the
5 clear and convincing evidence standard of review must show
6 that, as of the date of the adverse decision, the applicant or
7 permittee was ineligible for a permit to carry weapons, subject
8 to prosecution or any other proceeding that could result in
9 the applicant or permittee becoming ineligible for a permit
10 to carry weapons, or provided materially false information or
11 documentation in conjunction with the permit application.

12 III. FELON IN POSSESSION OF A FIREARM — DEFINITION.
13 Current Code section 724.25 defines a "felony" for purposes of
14 the crime of felon in possession of a firearm (Code section
15 724.26) to include persons who commit an aggravated misdemeanor
16 by use of a firearm, as well as felons. The bill amends Code
17 section 724.25 to exclude persons who commit an aggravated
18 misdemeanor by use of a firearm for purposes of Code section
19 724.26.